

2 **REMARKS**

3 Reconsideration of the application in view the following remarks is respectfully  
4 requested.

5 Claims 1, 3-4, 6, 8, 11-12, 21-27, 29-33 are pending in this application. Claims 24, 28,  
6 33 have been canceled without prejudice. The independent claims have been amended to include  
7 a claim element of the canceled claims.

8 Examiner repeats the objections of the action 10/12/06. Applicant in fact amended the  
9 claims as required by examiner in the response of 1/9/07.

10 Examiner states, in error, that "Applicant argues that the prior art does not mention or  
11 suggest "voice communication". Then Examiner then points out a section of Mattaway.  
12 However, Applicant argued in the communication of Jan. 9, 2007

13 "McLaughlin does not mention or suggest in his disclosure that his method be applied to  
14 voice communications, other than to suggest that a voice may be turned into text for delivery to a  
15 deaf person. One of skill in the art of internet voice communications would not then combine  
16 McLaughlin with any other reference and hence McLaughlin may not be used in a Section 35  
17 U.S.C. 103(a) rejection."

18 Applicant argued only that McLaughlin should not be considered prior art, and that  
19 Examiner was in error in citing McGlaughlin as voice communication prior art .

20 Examiner may in fact hold the opinion that McLaughlin should be considered a prior art  
21 document, but Examiner should not quote another document in upholding the rejection, and  
22 instead should address the issue raised by Applicant.

23 In addition, Examiner failed to respond to any of the points in the three paragraphs  
24 following the above quotation. In particular, using a search program to find the word "icon",  
25 and quoting that section in the rejection, does not address Applicants statement that McGlaughlin  
26 does not show or suggest clicking on an icon or ad to place a voice telephone call.

27 In addition, Examiner has changed the grounds of rejection from a '103 rejection to a  
28 '102 rejection, quoted different section of a different prior art document to support his/her  
29 argument, and made the rejection final, thus depriving Applicant of an opportunity to address the  
30 new grounds of rejection.

31 In view of the above paragraphs, Applicant therefore respectfully requests that Examiner  
32 lift the finality of the rejection.

33 Computer search of the PTO web site file of Mattaway patent finds no mention of “ ad “  
34 or “adverti”. Computer search of the PTO web site file of the McGlaughlin provisional  
35 application 60/ 135899 file 5/26/99 finds no mention of “ ad “ or “adverti”. As noted in the  
36 prior response and amendment .

37 ”Examiner states on p 4 item 10 of the office action, in error, that McLaughlin discloses  
38 “The method of claim 8 wherein a single click on an ad contained in the web page connects a  
39 telephone call.” The word “advertised” appears in the sentence “For example, a service entity  
40 may rent a phone number to the ABC Company. In other words, the phone number rings to the  
41 service entity, but the number is advertised as belonging to the ABC Company.” There is no  
42 suggestion to click on an ad. This is the only example turned up in a search of both the prior art  
43 documents cited for “ ad “ or “ advert”. Thus, neither reference cited mentions or suggests “a  
44 single click on an ad”.

45 As noted in the prior communication, even if McGlaughlin were to be accepted as a prior  
46 art document in the field of the present application, the filing date of McGlaughlin is less than  
47 one year prior to the present application filing date, and Applicant can swear behind the patent  
48 application. The provisional patent application, filed more than one year prior to the present  
49 application date, can not be sworn behind, but has no mention whatsoever of ad or advertisement.

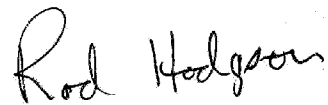
50 Thus, the independent claims of the present application (as amended) are patentable on  
51 102 grounds over Mattaway. The claims are also patentable over a combination of Mattaway  
52 and McGlaughlin. All dependent claims are likewise patentable. In addition, the dependent  
53 claims are patentable over their independent claims.

54 An extension of time for filing a reply in the above identified application from 5/13/07 to  
55 7/13/07 is respectfully requested under 37 CFR 1.17. An additional fee of \$225 is required.  
56 The required fees and any insufficiency or overage (except issue fees) may be debited or credited  
57 to deposit account 08/2240.

58 On the basis of the above amendments and remarks, reconsideration of this application  
59 and its early allowance is respectfully requested.

Respectfully,

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